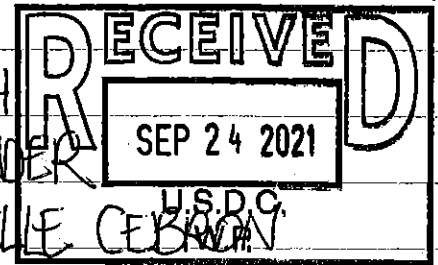


MALIK L. BROWN

- against - Plaintiff, Case NO. 21-cv-214 (CS)

STEPHEN URBANSKI, ISSA YUNES, JOSEPH
DEACON, MARK DELBIANCO, ALEXANDER
MINARD, BRENDAN WALSH, DANIELLE CEBALAN,
ANTHONY ANNUCCI,



Defendants.

I, the plaintiff (MALIK L. BROWN) write this asking that you dismiss the defendants motion and proceed to discovery there is extreme evidence that support my FAC theres is even a video on my assault counsel for defendants clearly disregards my FAC even made a bias remark such as any claim on state grounds it would be automatically barred my attacker was in the box for assault on staff he was a individual that was housed in (FCF GP) and has an extreme history of violence there, it is duty of defendants to following there training my constitutional rights where violated as soon as I was taken out of SHU 200 at FCF

only to be housed on Keoplock and
 become subjected to harsh conditions
 officers clearly & deliberately put
 multiple incarcerated individuals
 in the blistering sun in restraints I was
 clearly subjected to inhumane conditions
 I was mased without reason or cause
 (Excessive use of) Deprivation of rec
 (VIII Amendment) deliberate indifference
 (VIII Amendment) there are multiple
 facts stated in my FAC that support
 my claim I almost lost my life
 I ask that we proceed to discovery
 the only true argument counsel
 has I believe is that defendants
 are entitled to qualified immunity I
 ask of you to not grant this motion
 till this day I struggle that
 video has to be seen I was
 left to die but I fought please
 lets proceed.

Sent out : September, 19, 2021

X M. ~~B~~reen

CC: Pro se
 intake
 unit

CC: Brown
 16A1000

I need this back
make copies please

Malik Brown Video 6/14/2020 in the yard Video starts at 9:14:20 and ends at 9:3

The beginning of the video is just the men in the yard walking back and forth. The following are my observations as we get closer to the assault.

9:18:33 -51 Mr. Collins steps away from the fence and a crowd of people at the fence near the basketball court where he is in plain view. No officers are in camera view observing. As Mr. Collins is walking away from the crowd he appears to be straightening his arms in a downward motion. He stands in clear view of the camera as he bends over and appears to doing something with his arms. He then stands up, turns around and with his arms relaxed walks back to the fence by the basketball court.

9:28:05 - 25 Mr. Collins is seen walking from the side of the yard opposite the basketball court. He stops in the same place he was before. He turns his back on the basketball court and bends over fiddling with something in front of him. Then he is seen pulling something up with his right hand. Mr. Collins then turns and walks toward the basketball court.

9:28- 39 Mr. Brown walks past Mr. Collins. They speak as Mr. Brown stops and turns towards Mr. Collins. Mr. Brown turns away from Mr. Collins and walks away. The men appear to have been speaking. Mr. Collins follows Mr. Brown. There is no sound to the video so it is impossible to know the content or tone of the conversation.


9:28:58 -9:29:31 Mr. Brown turns towards Mr. Collins. Mr. Collins raises the chain from his waist and starts to swing the chain with force at Mr. Brown. Mr. Brown falls to the ground and Mr. Collins keeps swinging the chain. Mr. Brown is kicking at Mr. Collins to try and prevent the blows from hitting him. Mr. Collins swings at Mr. Brown's legs. At one point Mr. Collins gets on the side of Mr. Brown and Mr. Brown can no longer use his legs for defense. Mr. Brown is hit in the chest. Mr. Collins swings approximately 13 times at Mr. Brown before the officers pull him off of Mr. Brown. Mr. Brown is hit with the chain in the chest, legs, and back that we can see. The last blow we cannot see where Mr. Brown is hit as Mr. Collins is standing in the way of the camera.

~~Concerning~~ 10:05 is 35 minutes later
and 10:20 almost 60 mins
later

X M [Signature]

CC: PO Se
Intake unit

BROWN, W., # 16A1000 UPSTATE CF

 <p>Corrections and Community Supervision</p> <p>ANDREW M. CUOMO Governor</p> <p>ANTHONY J. ANNUCCI Acting Commissioner</p>	Grievance Number FCF-0159-20	Desig./Code I/50	Date Filed 06/18/20
	Associated Cases		Hearing Date 10/08/20
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE	Facility Fishkill Correctional Facility		
	Title of Grievance Failure To Protect		

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the grievant was involved in an appropriately documented Unusual Incident (UI) and Use of Force (UOF) on 6/14/20 when he was assaulted by another incarcerated individual in the keeplock recreation yard. He was promptly taken to medical for assessment and decontamination in accordance with Directive #4903. The grievant was noted with having a 2 ½" x 2 ½" swollen area to the back of his head and abrasions to his hands, elbows and legs and was transported to the outside hospital for further treatment. It is also noted that staff were required to go through the keeplock gate to reach the incarcerated individuals and once adequate staff arrived, only the force necessary to stop the assault was used. In addition, it is noted that the grievant and the other incarcerated individual were placed in mechanical restraints per their respective orders issued by the DSS in accordance with Directive #4933.

With respect to the grievant's appeal, CORC finds insufficient evidence of malfeasance by staff and advises him to address safety and security concerns to supervisory staff at the time of the incident for any remedial action deemed warranted. CORC notes that he has since been transferred.

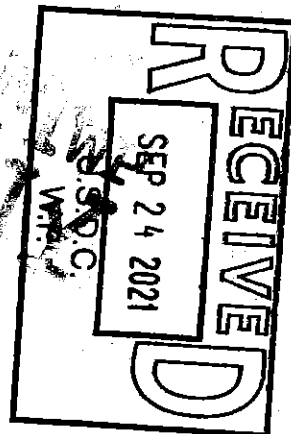
MXV/

SOUTHPORT CORRECTIONAL FACILITY

P.O. BOX 2000

PINE CITY, NEW YORK 14871-2000

NAME: Malik Brown DIN: 14871-2000



SOUTHPORT



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09/20/2021

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ZIP 14871
041M11274238

Correctional Facility

Pro Se Intake Unit
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY

Legal Mail

SHU